

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
WESTERN DIVISION**

THE STATE OF NORTH DAKOTA, *et al.*,

Plaintiffs,

v.

THE UNITED STATES DEPARTMENT OF
INTERIOR, *et al.*,

Defendants.

No. 1:24-cv-124-DMT-CRH

Declaration of Heather A. Bernier

I, Heather A. Bernier, in accordance with the requirements of 28 U.S.C. § 1746 declare:

1. I am the Division Chief, Division of Decision Support, Planning and NEPA for the Bureau of Land Management (BLM), an agency of the U.S. Department of the Interior (Department). In my capacity as Division Chief, I am responsible for overseeing BLM policy related to its role under the Federal Land Policy and Management Act and its land use planning regulations to designate areas of critical environmental concern (ACECs).

2. I have worked at the BLM in various roles since January 26, 2003.

3. In my capacity as Division Chief, I understand that the BLM first began designating ACECs in 1980.

4. In my capacity as Division Chief, I understand that, as of fiscal year 2023, there were 1,179 ACECs designated on BLM-managed lands.

5. In my capacity as Division Chief, I understand that the BLM has never designated an ACEC for an area where the BLM manages the mineral estate but does not manage the surface estate.

I declare under penalty of perjury that the foregoing is true and correct to the best of my current knowledge, information, and belief.

Executed on this 19th day of July 2024, in Longmont, Colorado.

HEATHER BERNIER

Digitally signed by HEATHER
BERNIER
Date: 2024.07.19 14:02:09 -06'00'

Heather A. Bernier
Division Chief
Decision Support, Planning and NEPA
Bureau of Land Management